

UNITED STATES DISTRICT COURT

for the

Western District of New York

BENJAMIN HEETER et al.

*Plaintiff(s)*

v.

LETITIA JAMES, In Her Official Capacity As  
Attorney General of The State Of New York  
et al.

*Defendant(s)*

Civil Action No. 24-cv-623

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* STEVEN G. JAMES, in his official capacity as  
Superintendent of the New York State Police  
1220 Washington Avenue, Building 22  
Albany, NY 12226

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicolas J. Rotsko, Esq.  
Fluet  
1751 Pinnacle Drive, Suite 1000  
Tysons, VA 22102  
T: (703) 590-1234

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 7/3/2024



CLERK OF COURT

*Mary Choewenguth*  
Signature of Clerk or Deputy Clerk

*Mary Choewenguth*

Civil Action No. **1:24-cv-00623-JLS****PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* **STEVEN G. JAMES, in his official capacity as Superintendent of the New York State Police** was received by me on *(date)* **July 10, 2024**.

- ☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_ on *(date)* \_\_\_\_\_; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_, a person of suitable age and discretion who resides there, on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- ☒ I served the summons on *(name of individual)* **Trooper Marc Carroll**, who is designated by law to accept service of process on behalf of *(name of organization)* **STEVEN G. JAMES, in his official capacity as Superintendent of the New York State Police** on *(date)* **Wednesday, July 17, 2024**; or
- ☐ I returned the summons unexecuted because: \_\_\_\_\_; or
- ☐ Other: \_\_\_\_\_; or

My fees are \$ 00.00 for travel and \$ 149.00 for services, for a total of \$ 149.00.

I declare under penalty of perjury that this information is true.

Date: **July 22, 2024**

  
 \_\_\_\_\_  
*Server's signature*  
**Joshua Lee • Private Process Server**  
 \_\_\_\_\_  
*Printed name and title*  
 Patriot Process Service  
 3900 Jermantown Rd • Suite 300  
 Fairfax, VA 22030  
 703-385-5300  
 \_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

1) Successful Attempt: Jul 17, 2024, 2:19 pm EDT at 1220 Washington Avenue Building 22, Albany, NY 12226 received by Trooper Marc Carroll. Age: 36; Ethnicity: Caucasian; Gender: Male; Weight: 190; Height: 6'0"; Hair: Blond; Eyes: Brown; Relationship: Trooper ;

**I arrived at the location , entered into the building and spoke with male who identified himself as the Trooper and accepted service. Recipient accepted paperwork personally and stated that they had the authority to do such.**